

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONALD VERBANAC,

Plaintiff,

v.

Case No. 09-C-438

DEPUTY CLAUSING and DEPUTY UHAN,

Defendants.

ORDER

Plaintiff Donald Verbanac, who is proceeding pro se in this action under 42 U.S.C. § 1983, claims that defendants violated his civil rights by placing him under arrest without probable cause and not obtaining an independent judicial determination of probable cause within 48 hours of his arrest. Verbanac is currently incarcerated at Stanley Correctional Institution. This matter is before me on Verbanac's motion for judgment on the pleadings, which he made on June 29, 2009. (Doc. # 15.) The motion will be denied for the reasons set forth below.

“Rule 12(c) permits a judgment based on the pleadings alone. The pleadings include the complaint, the answer, and any written instruments attached as exhibits.” *N. Ind. Gun & Outdoor Shows, Inc. v. City of South Bend*, 163 F.3d 449, 452 (7th Cir. 1998) (citations omitted). Verbanac has attached to his motion two pages of what appear to be transcript excerpts from his state criminal trial. He contends that the excerpts demonstrate that the defendants admitted in their testimony to arresting him in his home without a warrant, searching his home without a warrant and placing him under arrest when he refused to permit a search of his home. Verbanac asserts that the information he submitted conclusively demonstrates his entitlement to a favorable judgment in this matter, even

though the defendants have raised a qualified immunity defense. The Court will not consider Verbanac's submissions on this motion, as they are matters outside the pleadings. *See Fed. R. Civ. P. 12(c); N. Ind. Gun*, 163 F.3d at 452. I also decline to convert Verbanac's motion into one for summary judgment under Rule 56. *See Fed. R. Civ. P. 12(d)*.

Accordingly, Verbanac's motion for judgment on the pleadings is **DENIED**. The Clerk of Court is directed to set this matter on the Court's calendar for a Rule 16 scheduling conference.

SO ORDERED this 27th day of July, 2009.

s/ William C. Griesbach
WILLIAM C. GRIESBACH
United States District Judge